

June 12, 2001

The Salisbury Planning Board held its regular meeting on Tuesday, June 12, 2001, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: Lou Manning, Ken Mowery, Elaine Stiller, Leigh Ann Loeblein, DeeDee Wright, Sean Reid, Rodney Queen, Eldridge Williams, John Daniels, Fred Dula, Jeff Smith, Brian Miller

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Dan Mikkelson, Janice Hartis

The meeting was called to order by Chairman Wright. The minutes of May 22, 2001, were approved as published.

ZONING MAP AMENDMENTS

Z-12-01 Kevin L. Wilson, west side of Interstate 85, between Park Avenue and Bringle Ferry Road

Location: Properties located along the west side of Interstate 85 from Park Avenue to Bringle Ferry Road

Size: Approximately 14 ½ acres

Existing Zoning: R-6 Two Family Residential

Proposed Zoning: M-1 Light Industrial

During his presentation, Patrick Kennerly indicated that staff had several concerns regarding this rezoning request. The proposed M-1 zoning would not be consistent with the adjacent zoning or land uses. There would be a problem with accessibility to most of this property. With the exception of the frontage along Bringle Ferry Road, the property is only accessible through small residential streets. The location doesn't seem conducive for commercial or industrial development with the exception of possibly the property at Bringle Ferry Road.

(a) Chairman Wright convened a courtesy hearing on Z-12-01.

Those speaking in favor of the zoning change request:

Kevin Wilson, 1339 Bringle Ferry Road (the petitioner) – Wishes to develop a small business park. The property is not suitable for residential due to interstate traffic and noise as well as the interstate widening. Feels this would improve the neighborhood and bring other jobs to the neighborhood. He would consider a lower zoning if the Board doesn't see fit to rezone the property to M-1.

Those speaking in opposition to the zoning change request:

None

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Sean Reid – Feels like we are opening ourselves up for billboards on this section of the interstate if this property is rezoned. However, he can't see keeping this property residential forever. Would be increasing the number of permitted uses from 19 to 176 if rezoned to M-1.

Eldridge Williams – Suggested sending this to a committee. The widening of the interstate is going to impact this area.

Lou Manning – Has a concern with the configuration of the property. It appears that the only access to this property is through the Park Avenue neighborhood area which is all residential. The city is working very hard in that area to try to restructure the neighborhood.

Rodney Queen – Property definitely needs to be changed from R-6. This is not the appropriate zoning for this property. However, there is a power line through the property which affects the use of the property.

Mr. Williams moved to send this matter to a committee. The motion was seconded by Mr. Mowery. The AYE votes included Mowery, Loeblein, Stiller, Reid, Queen, Dula, and Williams. The NAY votes included Manning, Smith, Wright, Miller and Daniels. The motion carried. Committee 1 (Reid, Stiller, Miller, Dula) was assigned to this request.

Z-13-01 Heritage Ventures, 727, 728-730, 800-802 Maupin Avenue

Location: North side of Maupin Avenue toward Mitchell Avenue

Size: Two lots containing approximately 21,875 square feet

Existing Zoning: R-8 Single Family Residential

Proposed Zoning: R-6A Multi-Family Residential

(a) Chairman Wright convened a courtesy hearing on Z-13-01.

Those speaking in favor of the zoning change request:

Patricia Page, representing the petitioner – It is the petitioners' intent to improve the property. The duplexes on the property are almost uninhabitable. Wants to build multi-family housing that would be consistent with what is adjacent and behind the property.

Those speaking in opposition to the zoning change request:

Rob Crawford, 231 Confederate Avenue, representing the Board of Trustees of Historic Salisbury Foundation – While HSF is not opposed to multi-family uses in general, they oppose rezoning from single family to a district that would permit less restrictive uses in or adjacent to a pivotal and designated historic district.

Dawn Isenberg, 721 Mitchell Avenue – Opposed to any change from single family residential. Realizes that R-6A is next to the property in question. The Fulton Heights Neighborhood Association compromised on that when it was rezoned to R-6A in order not to have more business intruding into the neighborhood. The duplexes in question have been an eyesore in the neighborhood for a number of years. They have not been maintained. If the petitioners want to tear down the derelict duplexes, then replace it with a single family home.

Tim Truemper, 126 Mitchell Avenue, speaking for the Fulton Heights neighborhood – The neighborhood saw the R-6A rezoning as a transition to the business area which is now Eckerd's.

Al Dunn, 628 Mitchell Avenue – Doesn't think the rezoning will improve the property. If you allow this rezoning, then where do you draw the line as it will continue on up the street. We have a strong neighborhood and are trying to maintain it.

Mark Perry, 131 West Bank Street – Neighborhood perimeters like this are very vulnerable to encroachments from all kinds of interests and less restrictive zonings. That is what has happened along Jake Alexander Boulevard which borders this community. The only way to stop this continuing encroachment is to start saying no to new, less restrictive zoning applications.

Nell Sowers, 718 Maupin Avenue – Opposes the rezoning.

Annie Cole, 805 Mitchell Avenue – Her property abuts to the rear the property in question. There is an alley between her property and the property in question. There have been a lot of problems with children in the alley knocking boards off the fence behind Littletown Condominiums. She has had a lot of things stolen out of her garage.

One person stood in favor of the rezoning; approximately 12 people stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – Completely against R-6A.

Elaine Stiller – The Fulton Heights residents have had more than their share of intrusion into their neighborhood. Agrees that it's time to say no to any rezoning.

Sean Reid – Against the request; however, something is eventually going to have to be done to the two duplexes or they will fall into disrepair. We need to find some way for the community to work with the developer to come up with a compromise.

Brian Miller – As a resident of the neighborhood, he's all for having the duplexes torn down. He's not, however, in favor of the zoning change.

DeeDee Wright – It's time for the board to take a stand. Encroaching on communities is bad business. Pretty soon Salisbury is not going to have a lot of residential areas.

Mr. Miller moved to recommend denying the request. The motion was seconded by Mr. Manning with all members voting AYE.

Z-14-01 Downtown Salisbury, Inc., inclusion of downtown in HA district

Downtown Salisbury, Inc., is requesting that the HA Historic District-A overlay be added to approximately 129 acres (334 lots) generally bounded by East Monroe, South Lee, East Fisher, Southern Railroad, North Church, North Jackson, South Church, West Bank, West Horah, and South Main streets.

The overlay would be in addition to the existing R-6A Multi-Family Residential, B-1 Office Institutional, B-5 Central Business, B-5 Central Business with GD-A General Development-A Overlay, B-6 General Business, M-1 Light Industrial, and M-2 Heavy Industrial districts.

(a) Chairman Wright convened a courtesy hearing on Z-14-01.

Those speaking in favor of the zoning change request:

Rob Crawford, representing Board of Trustees for Historic Salisbury Foundation – Thinks the HA overlay will build well on the success on the existing historic district and will continue to protect resources like the Salisbury Railroad Corridor, the train station, as well as other projects on-going in the area. The environment of our downtown is unique and is one of our most valuable assets. The HSF feels it is essential in attracting visitors and maintaining economic strength in the community. The overlay is consistent with the city's strategic growth policies, particularly those regarding economic development, transportation, and residential development. It will specifically address commercial structures and provide sound guidelines for review of new and rehabilitation designs. It will insure the continued good stewardship of Salisbury's unique architectural fabric and cultural heritage.

Murray Edwards, 629 West Monroe Street – In favor of the overlay because it would include Soldier's Memorial AME Zion Church of which he is pastor. The church itself is 136 years old.

Mark Perry, 131 West Bank Street – For over 25 years this has been the ultimate goal of people who valued and treasured historic preservation in Salisbury and Rowan County. All existing historic districts circle the downtown business district. Not to take care of the core of all of this would be a tragedy. He's often heard that the West Square historic district, Salisbury's first local historic district, was considered a jewel for Salisbury. If it's a jewel, the downtown business district is our crown.

Diane Young, 117 Maupin Avenue – Owns two properties in the downtown district. As a former downtown manager of two organizations, she has seen a number of downtown design guidelines. Applauds the work done to develop the draft guidelines she has seen for this proposed district. Of all the projects done in downtown over the past years, she can think of only one project that would not have met these guidelines. We are already meeting the guidelines in an informal nature. It's now time to take it to the next step.

Steve Fisher, 111 West Colonial Drive – You only need to drive Main and Innes streets to see the beauty of our downtown and what we have been able to create. Today property values are much higher than they were 20 years ago. But they are not so high that you could not come in, raze two or three buildings and put in a totally inappropriate use that devalues everything that's been done over the last 20 years. This proposal for the HA overlay began two years ago. A group of 20 downtown property owners has worked to create the proposed development guidelines for the downtown. Their goal was to create a document that not only protected the buildings, but also gave as much flexibility as it could to the property owners. The guidelines do not force anyone to improve their property, does not stop any demolition, does not legislate any use or any occupancy, does not regulate any interior space, doesn't tell you what color you can paint your building (although suggested colors are proposed), and does not keep you from adding to your building. At least 50 downtown property owners have been visited and informed of the proposed guidelines. Most thought development guidelines already existed. We must protect our downtown.

Edward Norvell, 128 South Fulton Street, a member of DSI board as well as a downtown property owner – This is going to protect his property values and protect the downtown. Most downtown property owners thought a downtown historic district was already in place. We don't have to look far to see where other towns with beautiful historic downtowns have lost these

buildings through demolition and then construction of new buildings. This could happen on our square right now. That's why we need this protection. We have 10 National Register historic districts and four local historic districts.

Those speaking in opposition to the zoning change request:
None

Glenn Ketner, Jr., president of Rowan Investment Co. which owns property within the proposed area – Not in opposition and appearing in support but qualifying it to some extent. Has some questions about the proposed boundaries as well as various other questions as to the interrelation between some of the local districts, how some of the properties on the fringe area will be impacted by the specifics of this proposed ordinance.

Approximately 25 people stood in favor of the proposed rezoning and one stood in opposition.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Aaron Arnett briefly explained the proposed guidelines for the downtown area. The work committee took the city's existing document, which has proved to be very successful but is geared toward residential structures, and created guidelines specifically for non-residential structures. There are sections dealing with store fronts, upper facades, and signage.

A committee composed of Leigh Ann Loeblein, Sean Reid, Jeff Smith and Eldridge Williams was appointed at an earlier meeting and will continue with their meetings prior to making a recommendation.

Z-15S-01 John Leatherman, Jake Alexander Blvd. at N. C. 150

Location: Intersection of Jake Alexander Boulevard and N. C. 150 (present location of vacant video rental building and adjoining vacant lot)

Size: Two lots containing approximately 2.4 acres

Existing Zoning: B-7-S Special Limited Business District

Proposed Zoning: B-6-S Special General Business District

Uses Proposed: All uses allowed in B-6 except: residential; billiard or pool halls; clubs and other places of entertainment including taverns, bars, nightclubs and cabarets; arcades; pawnshops; youth clubs; tattoo parlors; tire recapping and retreading; flea markets; light manufacturing or processing

Conditions Proposed: Site plan review; setbacks: front yard-35'; side yard-10'; rear yard-30' (for principal building, accessory building); parking lot 30' from Ridgewood neighborhood; height limitation: no more than 35'; ground signs: 35 square feet maximum, 10' height maximum; no open storage; no lighting directed toward Ridgewood neighborhood; no trailers, mobile units, manufactured or prefabricated units

(a) Chairman Wright convened a courtesy hearing on Z-15S-01.

Those speaking in favor of the zoning change request:

John Leatherman, the petitioner – This property was zoned Limited Light Industrial when he purchased it which would have allowed the use he is proposing for the property. The property was requested for a downzoning in 1995 because he had a long-term lease signed for 20 years. It didn't work out. Feels that this rezoning request would be compatible with the other three corners. There is an existing eight-foot fence separating this property from the Ridgewood subdivision. The evergreens are at least 15 feet tall and will grow to approximately 60 to 90 feet in height. The proposed use (Randy Marion New and Used Cars) is basically no more than a parking lot. If you do not allow any storage or wrecked vehicles, no body work, and no major repairs, then the parking spaces are being used for what they have been approved for—parking vehicles. He also requested that outdoor loud speakers and paging not be allowed and that the special lighting would not shine into the Ridgewood neighborhood. The topography is such that you would not be able to see a car in the parking lot from the neighborhood. His development has not harmed the property. This property has been vacant and offered for over two years.

Those speaking in opposition to the zoning change request:

Tony Blackwell, 890 Mocksville Avenue, works with CCB which is adjacent to the property in question – There are a number of potential businesses that could locate on this property if rezoned which he feels would not be in keeping with the other B-1 zoned businesses in the development along Jake Alexander Boulevard. There is an alleyway that runs across the back of the property that is the safest ingress and egress to the bank and other businesses along the property. He feels that with a used car dealership on the corner property, this alleyway will be limited at times with the dealership loading or unloading vehicles or customers parking in the alley. Doesn't think the proposed use is in character with the businesses along the B-1 zoning and is not in keeping with the residential neighborhood which is to the rear of the property.

Mark Lewis, 136 Rugby Road, also with CCB – In 1983 most of this area on the east side of Jake Alexander Blvd. was residential. A deal was struck with the neighbors and this area was zoned for a low-intensity group development. The site plan was specifically designed for low intensity office institutional businesses. The corner property was rezoned to allow for more retail-type uses. However, the lot in between that lot and CCB was still B-1 until the developer requested a change to allow him to lease or sell both properties as a single use. This rezoning required a lot of compromise from the residential neighbors and the commercial neighbors as well. Now the developer is asking for even more uses than were agreed upon by the neighbors. We should not modify the agreement that the Planning Board, the developer and the neighbors settled on in 1995. Sees no compelling reason to add an additional 162 uses, most of which were not desired in any of the negotiations between the developer, the neighbors and the Planning Board.

Mark Perry, 131 West Bank Street – Served on the Planning Board the same time Mark Lewis did. The negotiations with the Planning Board, the neighborhood and Mr. Leatherman were hard-fought. But this was the best we could all do under the circumstances. Encourages the denial of the request.

Thom Dillard, 404 Jake Alexander Boulevard (Team Chevrolet) – Knows the gentleman who is proposing to come here and is speaking as a fellow businessman who is in a related business. He and other auto dealers in the city have complied with all city ordinances and moved

their dealerships to an area suited for auto-type businesses. He has seen the operation of this gentleman in Mooresville. He has cars stacked on top of each other as well as a body shop.

Gerry Wood, 525 Jake Alexander Boulevard (Gerry Wood Auto) – Sympathizes with Mr. Leatherman. He has created a business area that is quite tasteful and shouldn't create another used car lot for that area.

Five people stood in favor of the request and 12 stood in opposition to the request.

The chairman closed the courtesy hearing on this case.

(b) Board Discussion:

Jeff Smith – He appreciates what Mr. Leatherman has tried to do in making this request more palatable by removing some of the uses that may be of concern. His biggest concern is the proposed use for the area. Disagrees that it will just be a parking lot for the cars. Opposed to the rezoning.

Sean Reid – In 1995 a line was drawn with everyone satisfied and now the developer is going back on what was agreed upon. Asked if a used car lot was what the board really wants for that corner. Does not think a car dealership would be appropriate there. The continuation of office buildings would be excellent.

Lou Manning – We need to go along with the previous promises to the neighborhood. Low intensity uses would be much more palatable on that corner.

Mr. Queen moved to recommend denying the request. The motion was seconded by Mr. Smith with all members voting AYE.

Brian Miller pointed out that Mr. Leatherman is trying to work with the board and staff to try to come to a suitable use.

GROUP DEVELOPMENTS

G-15-1998 Mock Office Building, 1717 West Innes Street

Ms. Loeblein was excused from the board during discussion of this case due to a conflict.

This site plan was previously approved in 1998. Nothing has been done and the approval time has lapsed. The developer, Chris Bradshaw, has resubmitted this site plan for approval. The Technical Review Committee recommends approval. On a motion by Dr. Dula, seconded by Mr. Daniels, with all members voting AYE, the site plan was recommended for approval.

Jeff Smith indicated that from looking at the plans submitted, he can't tell what the doors or windows are going to look like nor can you tell the type of roofing and building material. He would like to see more detailed elevations on site plans. He doesn't want a repeat of what happened last month when a developer sought reapproval of plans after the construction of a building which was not built according to the approved site plan.

G-12-2001 Pinnacle Office Park, 300 block Jake Alexander Boulevard West

Ms. Loeblein was excused from the board during discussion of this case due to a conflict.

The developer, Fisher Harriss Development Company, has made modifications to the previously approved site plan. The new site plan shows both the property and Building B have been enlarged. The Technical Review Committee recommends approval.

On a motion by Mr. Smith, seconded by Mr. Miller, with all members voting AYE, the site plan was recommended for approval.

G-03-2001 Sunset Manor Apartments, Sunset Drive

The developer, Mardan Enterprise, LLC of Concord, has submitted a site plan for a three-story 108-unit complex. The Technical Review Committee recommends approval.

On a motion by Dr. Dula, seconded by Mr. Smith, with all members voting AYE, the site plan was recommended for approval.

G-08-1998 The Greens at Crescent, Jake Alexander Boulevard North

Withers and Ravenel, the developers, have submitted a revised site plan. The number of units has been reduced from 44 to 39 units, and the buildings have been redesigned to include garages. At the time the original site plan was approved several years ago, the city was approving private roads as well as private water and private sewer. The developer thought the city would maintain both the water and sewer lines for the new development. After further study by the city's Utilities Director, the city has agreed to maintain the water lines but not the sewer lines. Therefore, the site plan is being recommended by approval subject to the following: (1) final subdivision plat shall be submitted for City Council approval and (2) developer shall list on the site plan that the water line will be maintained by the city and the sewer line will be privately maintained.

On a motion by Mr. Mowery, seconded by Mr. Williams, with all members voting AYE, the site plan was recommended for approval subject to the two conditions mentioned above.

SUBDIVISION

S-4-92 Oakview Commons, Phase 2

Rodney Queen was excused from the board during discussion of this case due to a conflict.

City Engineer Dan Mikkelson indicated this was a request for a revision to an approved preliminary subdivision plan. The original plan was submitted by a different developer. In the original plan that was approved by the Planning Board, the property in question was a common property that included an existing lake (Mirror Lake), and all property owners had rights to the lake and the common property. The common property was sized to meet or exceed all zoning standards but was not recognized as a buildable lot. The new developer, Mr. Queen, feels that the joint ownership and shared liability of the common lot is hurting home sales. He would like to convert the common property (including the pond) into a buildable lot. He feels that if he takes this common property and makes it one lot, gets it recognized as a buildable lot, and has all the ownership responsibility of that lake assigned to one property owner, he hopes to eventually sell that lot. Whoever buys the lot would have all the responsibility for maintenance of the lake. Mr. Queen feels this will help him market the neighborhood better. His request is for the

common lot to be recognized as a buildable lot, including the lake, which will be owned by one property owner rather than the lake being maintained by a homeowners' association. Staff recommends approval of the revision, subject to the following conditions: (1) The Planning Board must concur with the requested revision; (2) The developer must install water and sewer connections to the "new" lot at his expense prior to recording the revised final plat; and (3) The revised final plat must be recorded including the signature of all property owners who have legal rights to common property in Phase 2.

Mr. Queen commented the development hasn't gone as well as it should have. Most people don't want to maintain a lake that you can't tell them how much they might be assessed in the future. He plans to fence in the lake and carry it on his home owner policy which will reduce the liability on the pond. There are three potential property owners ready to purchase property and are waiting to see if the property can be converted. One hundred percent of the lot owners are in agreement with converting this common property into a buildable lot and not having the lake in an association.

Following discussion Mr. Smith moved to approve the revised preliminary plat subject to the three conditions listed above. The motion was seconded by Mr. Mowery with all members voting AYE except Ms. Wright and Mr. Williams who voted NAY. The motion carried.

There being no further business to come before the Board, the meeting was adjourned.

Chairman

Secretary